

REMARKS

In the Office Action mailed December 4, 2006~~/~~ the Examiner rejected claims 1-5 and 13-14 under 35 U.S.C. § 101; rejected claims 1-5 under 35 U.S.C. §102(a) as anticipated by United Scripters; rejected claims 6-10 under 35 U.S.C. § 103(a) as unpatentable over United Scripters in view of Narayana Vyas Kondreddi, "Case Sensitive Search in SQL Server Queries," February 5, 2004 ("Kondreddi"); and rejected claims 13-14 under 35 U.S.C. § 103(a) as unpatentable over United Scripters in view of fsu.edu, "Instructions For Searching The Special Collection Web Site," January 13, 2004 ("FSU").

By this amendment, Applicant amends claims 1, 6, and 13 to more clearly define the features of the present invention and to respond to the rejections under 35 U.S.C. § 101.

At the outset, Applicant submits that the Examiner has still not made clear what he considers the "United Scripters" reference since that reference (or possibly references) is not available on PAIR. As a consequence, Applicant requests that the Examiner ensure that the record and PAIR clearly reflect what constitutes the "United Scripters" reference.

Moreover, the Examiner has combined two separate documents (apparently having different dates) from a website. The Examiner's rationale for such a combination (Office Action, page 9) is tantamount to combining two books and arguing that they are one because they have the same author and can be found at the same library. Because the Examiner appears to be using two references rather than a single reference, the rejection using United Scripters under 35 U.S.C. §102(a) is improper and should thus be withdrawn.

Rejection of Claims 1-5 Under 35 U.S.C. §101

The Examiner rejected claims 1-5 and 13-14 under 35 U.S.C. § 101 as non-statutory. Applicant traverses this rejection.

Applicant submits that the “computer-implemented method” of amended claim 1 is statutory since claim 1 produces a concrete, tangible, result. For example, claim 1, as amended, defines a computer-implemented method of fast case-insensitive search of a dictionary using one or more search terms. Moreover, amended claim 1 includes the feature of “setting a dictionary sorting function to sort the ordered list of terms based on case sensitivity, the dictionary sorting function sorts the ordered list into one or more blocks of equivalent terms and sorts equivalent terms with upper case letters before equivalent terms with lower case letters.” As a consequence, claim 1 recites features that produce useful, concrete, tangible results. The rejection under 35 U.S.C. § 101 of claim 1 and claims 2-5, by reason of their dependency from claim 1, should be withdrawn.

Regarding claims 13 and 14, the Examiner indicates that those claims lack necessary physical articles to constitute a machine or a manufacture. To expedite prosecution, Applicant has amended claim 13 to more clearly recite the physical aspects of claim 13. Therefore, the rejection under 35 U.S.C. § 101 of claim 13 and claim 14, by reason of its dependency from claim 13, should be withdrawn.

Rejection of Claims 1-5 Under 35 U.S.C. §102(a)

The Examiner rejected claims 1-5 under 35 U.S.C. §102(a) as anticipated by United Scripters. Applicant traverses this rejection.

Claim 1 defines a computer-implemented method of fast case-sensitive search of a dictionary using one or more search terms, wherein the dictionary comprises an ordered list of terms. Claim 1 recites a combination including, among other things, “setting a dictionary sorting function to sort the ordered list of terms based on case sensitivity, the dictionary sorting function sorts the ordered list into one or more blocks of equivalent terms and sorts equivalent terms with upper case letters before equivalent terms with lower case

letters.” At best, United Scripters discloses various sorting algorithms (United Scripters, page 3 of 6), but none of these algorithms constitute sorting into blocks of equivalent terms and then sorting the equivalent terms in each block. As a consequence, United Scripters does not disclose the above-noted feature of claim 1. Therefore, United Scripters fails to anticipate claim 1, and the rejection under 35 U.S.C. §102(a) of claim 1 and claims 2-5, at least by reason of their dependency from independent claim1, should be withdrawn.

Rejection of Claims 6-10 Under 35 U.S.C. §103(a)

The Examiner rejected claims 6-10 under 35 U.S.C. § 103(a) as unpatentable over United Scripters in view of Kondreddi. Applicant traverses this rejection.

Claim 6, as amended, recites a combination of features including, among other things, “setting a dictionary sorting function to sort the ordered list of terms based on case-insensitivity, the dictionary sorting function sorts the ordered list into one or more blocks of equivalent terms and sorts equivalent terms with upper case letters before equivalent terms with lower case letters.” As noted above, United Scripters is completely silent with respect to the noted feature. Moreover, although Kondreddi describes storing everything in a database in lower case, Kondreddi is also silent with respect to the noted feature. Accordingly, neither United Scripters nor Kondreddi, whether taken alone or in combination, discloses or suggests the above-noted “setting” feature. Therefore, the rejection under 35 U.S.C. § 103(a) of claim 6, and claims 7-10, at least by reason of their dependency from claim 6, should be withdrawn.

Rejection of Claims 13-14 Under 35 U.S.C. §103(a)

The Examiner rejected claims 13-14 under 35 U.S.C. § 103(a) as unpatentable over United Scripters in view FSU. Applicant traverses this rejection.

Claim 13, as amended, recites a combination of features including, among other

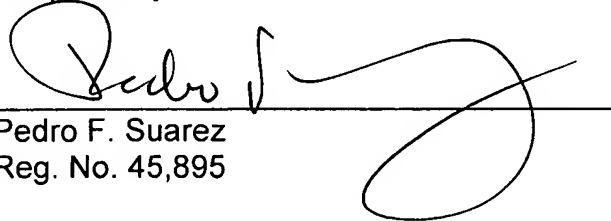
things, "an ordering module, at a computer, configured to order the terms in the dictionary based in part on the binary numbers corresponding to the ASCII coding of alphanumeric characters comprising the terms in the dictionary, the dictionary sorting function sorts the ordered list into one or more blocks of equivalent terms and sorts equivalent terms with upper case letters before equivalent terms with lower case letters." As noted above, United Scripters is completely silent with respect to the noted feature, and although FSU discloses a "search engine," FSU is completely silent with respect to that feature. Accordingly, neither United Scripters nor FSU, whether taken alone or in combination, discloses or suggests the above-noted "ordering module." Therefore, the rejection under 35 U.S.C. § 103(a) of claim 13 and claim 14, at least by reason of its dependency from claim 13, should be withdrawn.

CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

On the basis of the foregoing amendments, Applicant respectfully submits that the pending claims are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below. No fee is believe to be due, however, the Commissioner is hereby authorized to charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-092-UTL.

Respectfully submitted,


Pedro F. Suarez
Reg. No. 45,895Date: 31 January 2007

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
9255 Towne Centre Drive, Suite 600
San Diego, CA 92121
Customer No. 64280
Tel.: 858/320-3040
Fax: 858/320-3001